IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL IVIL JURISDICTION

WRIT PETITION NO. 804 OF 2007

Reliance Engery Ltd., & Anr. .. Petitioners.

vs.

Municipal Corporation of

Greater Mumbai & Anr. .. Respondents.

Mr. D.J. Kakalia i/by Mulla & Mulla for Petitioners.

Mr. K.K. Singhvi, Sr. Adv. with Ms. Shobha Ajeet Kumar for respondents.

CORAM: J.N. PATEL &

A.A. SAYED, JJ.

DATE: 31ST OCTOBER, 2007.

P.C.

. Heard.

2. After we disposed of this petition by our order dated 29.10.2007, the learned counsel for the petitioners has got the matter circulated and submits that he has instructions to withdraw the petition and, therefore, he may be permitted to withdraw the petition. In so far as the cost imposed by this Court is concerned, on instructions it is stated that a sum

of Rs. 1 lac would be deposited with the Municipal Corporation of Greater Bombay and the Court may pass an order for its appropriation. Mr. Singhvi, the learned Senior Advocate, appearing for the respondent Corporation submits that he leaves it to the Court.

3. Though this Court after having dismissed the petition becomes functus officio, but, taking into consideration that the petitioners wish to withdraw the petition and do not want to prosecute the same in view of the fact that they are taking necessary steps to relocate the sub-station after following the procedure required and the petitioners volunteer to donate the sum of Rs. 1 lac which was the cost imposed by this Court., We accept the request and recall our order dated 29.10.2007 and permit the petitioners to withdraw the petition accepting the statement made by the learned counsel for the petitioners that the petitioners will donate a sum of Rs. 1 lac by depositing the same with the Municipal Corporation within a week’s time. On such amount being deposited, we direct the Municipal Commissioner to appropriate the amount towards the welfare fund of Safai Kamgars of the MCGM. The petition is dismissed as withdrawn.

(J.N. Patel, J.)

(A.A. Sayed, J.)